

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Del Shea Perry, Trustee for the Heirs and
Next of Kin of Hardel Harrison Sherrell,

Plaintiff,
vs.

Beltrami County; et al.,

Defendants.

Civil No. 19-cv-02580 (ECT/LIB)

**MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS DISMISSING
PLAINTIFF'S CLAIMS UNDER MINN. STAT. § 573.02**

COME NOW, the Defendants, Sanford Health, Sanford, Sanford Medical Center Fargo, and Dr. Dustin G. Leigh, MD, and hereby move the Court for partial judgment on the pleadings. The Defendants respectfully ask the Court to enter an order concluding North Dakota law applies to the Plaintiff's claims of medical malpractice against Sanford Health, Sanford, Sanford Medical Center Fargo, and Dr. Dustin G. Leigh, MD.

The undersigned certifies that he has conferred with the Plaintiff's attorney in an effort to resolve this motion. The parties have been unable to agree on a resolution of the motion.

This Motion is based upon the pleadings of record with the Court as well as the supporting Memorandum of Law.

Dated this 21st day of December, 2020.

/s/ Peter W. Zuger

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